

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

**MARY MARGARET MATHIS, individually
and as Administrator of the ESTATE OF
HOLLY BARLOW-AUSTIN; and MICHAEL
GLENN AUSTIN, individually,**

VERSUS

**CIVIL ACTION NO.
5:20-CV-00146**

**SOUTHWESTERN CORRECTIONAL, LLC
d/b/a LASALLE CORRECTIONS, LLC and
LASALLE SOUTHWEST CORRECTIONS;
LASALLE MANAGEMENT COMPANY,
LLC; BOWIE COUNTY, TEXAS;
TIMOTHY REYNOLDS, M.D., individually;
STEVEN FOLTZ, individually; JAMES
MCCANN, individually; MICHELLE
ARNOLD, individually; TIFFANY HILL,
individually; A. HUGHES, individually; B.
CERY, individually; and JOHN and JANE
DOES 1-10.**

MOTION TO DISMISS CERTAIN CLAIMS WITHOUT PREJUDICE

COME NOW Mary Margaret Mathis, individually and as Administrator of the Estate of Holly Barlow-Austin; and Michael Glenn Austin, individually (hereinafter collectively referred to as “Plaintiffs”), and for their Motion to Dismiss Certain Claims Without Prejudice would show as follows:

I.

Plaintiffs desire to dismiss all claims asserted herein against Defendant, LaSalle Management Company, LLC, without prejudice to the refiling of same.

II.

Plaintiffs’ claims against the remaining defendants are to remain intact.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Court enter an order dismissing all claims against Defendant, LaSalle Management Company, LLC, without prejudice to the refiling of same and without regard to the statute of limitations; and for any and all other relief to which Plaintiffs may be entitled.

Respectfully Submitted:

/s/ David Carter
David Carter
Texas State Bar No. 03932780
MERCY CARTER, LLP
1724 Galleria Oaks Dr.
Texarkana, Texas 75503
Telephone: (903) 794-1268
Fax: (903) 794-1268
wdcarter@texarkanalawyers.com

- and-

Erik J. Heipt
Texas State Bar No. 28113
Edwin S. Budge
Texas State Bar No. 24182
BUDGE & HEIPT, PLLC
808 East Roy Street
Seattle, WA 98104
Telephone: (206) 624-3060
Fax: N/A
erik@budgeandheipt.com
ed@budgeandheipt.com

*COUNSEL FOR PLAINTIFFS, MARY MARGARET
MATHIS, individually and as Administrator of the
ESTATE OF HOLLY BARLOW-AUSTIN, and
MICHAEL GLENN AUSTIN, individually*

CERTIFICATE OF SERVICE

In accordance with the Eastern District of Texas' electronic filing procedures, I hereby certify that I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. A Notice of Electronic Filing will be sent by the Court to all counsel of record who have consented to email notification and electronic service.

This 22nd day of March, 2023.

/s/David Carter

DAVID CARTER